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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,513	12/26/2000	Shiro Miyagi	450100-02913	4108
20999	7590	03/14/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			WHIPKEY, JASON T	
			ART UNIT	PAPER NUMBER

2612

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,513

Applicant(s)

MIYAGI ET AL.

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Change of Examiner

1. The examiner of record for this application has been changed to Jason Whipkey. Any inquiry regarding this application should be directed to the new examiner. Current contact information is provided in the last section of this communication.

Specification

2. The amendment to the abstract is approved and the corresponding objection is withdrawn.

3. The replacement title is approved and the corresponding objection is withdrawn.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 4-14 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 4-7, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni (U.S. Patent No. 6,133,947) in view of Murphy et al. (U.S. Patent No. 6,282,362) and Vincent (U.S. Patent No. 6,195,122).

Regarding **claims 1 and 14**, Mikuni discloses a digital photographing apparatus, portably structured (see figures 12-13), for recording a photographed digital picture signal to a recording medium (RAM 10) and reproducing a digital picture signal from the recording medium, comprising:

photographing means (CCD 4 and interface circuit 6) for photographing a picture and outputting a picture signal (see column 4, lines 18-67);

signal processing means (CPU 42) for processing the picture signal supplied from said photographing means (see column 11, lines 8-58);

position information obtaining means (GPS 44-46) for obtaining position information;

displaying means (display 8; see figures 12-13) for displaying the digital picture signal supplied from said signal processing means;

recording means (CPU 42) for recording the digital picture signal supplied from said signal processing means and the position information supplied from said position information obtaining means to the recording medium (see column 7, line 28, through column 8, line 35, and column 11, line 8, through column 13, line 21);

reproducing means (CPU 42) for reproducing the digital picture signal and the position information from the recording medium (see column 8, line 36, through column 9, line 31, and column 11, line 8, through column 13, line 21);

map information obtaining means (CD-ROM 35 and player circuit 34/30; see Figure 12) for obtaining map information (see column 12, line 66, through column 13, line 21, and column 14, lines 1-65);

table creating means (CPU 42) for creating a table for the reproduced position information (CPU inherently creates a table for captured images along with their positional information; see figures 7, 9, and 10); and

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controlling means (CPU 42) for referencing the table for the position information and displaying the position information and the map information in said displaying means (see figures 7, 9, 10, and 17);

Mikuni is silent with regard to having the controlling means display an icon corresponding to the position information and the map information to the display means.

Murphy discloses a camera that displays icons (260-280) on the map corresponding to the geographical locations of the corresponding captured images (see Figure 1 and column 10, lines 22-65, and column 11, lines 21-65).

An advantage of displaying an icon on a map is that a user may easily link between geo-addressed image data and one or more geo-addressed features or locations on a digital map. For this reason, it would have been obvious at the time of invention to have Mikuni's camera display icons on a map.

Mikuni is also silent with regard to having the recording means store the digital picture signal in a picture file associated with a file that stores the obtained position information.

Victor discloses a spatial-referenced photography system, including:

wherein the recording means (a disk drive; see column 9, lines 34-36) records the digital picture signal as a picture file (video database 323 in Figure 5) to the recording medium and the obtained position information as a position information file (positional database 322; see column 9, lines 30-36) such that the obtained position information is associated with the recorded picture file (see column 4, line 66, through column 5, line 7).

wherein the table creating means creates the table using at least one position information file (Figure 8 shows the table structure of the database stored on disk), the table indicating correspondence relation between the obtained position information and the picture file (the table includes video frame number 730 for each record; see column 9, lines 34-36).

An advantage to storing picture data and positional data in separate but related files is that both files may be accessed simultaneously while still maintaining a relationship to one another, thus increasing processing speed. For this reason, it would have been obvious at the time of invention to have Mikuni's system store positional and image data in separate, linked files.

As to **claim 4**, Mikuni and Murphy teach that the position information is position information of a position at which the picture was photographed (in Mikuni, see column 11, line 8, through column 12, line 20; in Murphy, see column 9, line 27, through column 10, line 21, and column 11, line 21, through column 12, line 47).

As to **claim 5**, Mikuni and Murphy disclose position measuring means for obtaining the position information of the position at which the picture is captured (in Mikuni, see column 11, line 8, through column 12, line 20; in Murphy, see column 9, line 27, through column 10, line 21, and column 11, line 21, through column 12, line 47).

As to **claim 6**, Mikuni teaches that the map information is obtained from the same recording medium as of which the digital picture signal and position information are reproduced (see column 14, lines 51-58).

As to **claim 7**, Mikuni and Murphy teach that the map information contains range information that represents the range of the map to be displayed along with map data (in Mikuni, see column 9, line 66, through column 10, line 38; in Murphy, see column 3, line 66, through column 4, line 9).

As to **claim 9**, Murphy teaches that if the icon is selected, a picture corresponding to the position information of the selected icon is displayed on said displaying means (see column 10, lines 22-65, and column 11, lines 21-65).

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni in view of Murphy and Vincent and further in view of DeLorme (U.S. Patent No. 5,848,373).

Claim 8 may be treated like claim 7. Additionally, Murphy teaches that an icon corresponding to the position information in the range of the map is displayed (icons 260-280 are displayed on the map shown in Figure 1; see column 10, lines 22-65, and column 11, lines 21-65). However, Murphy is silent with regard to the icon being displayed by referencing the range information.

DeLorme teaches that an icon corresponding to the position information within the range of the map is displayed by referencing range information (see column 8, line 66, through column 9, line 43). An advantage of referencing range information in order to position icons is that visual orientation by the user may be facilitated. For this reason, it would have been obvious at the time of invention to have Mikuni's device display icons by referencing range information, as described by DeLorme.

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9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikuni in view of Murphy and Vincent and further in view of Yokoyama (Japanese Patent Application Publication No. 09-179491).

Claim 10 may be treated like claim 9. However, Mikuni, Murphy, and Vincent are silent with regard to the user choosing a selection range and selecting an icon included in the selection range.

Yokoyama discloses (in the provided computer translation):

a selection range (50a in Drawing 6; see page 5, lines 34-36) for selecting an icon is set at a part of the map displayed, and the selection of the icon is performed if the icon is positioned in the selection range (as shown in Drawing 7(C), computer 50 retrieves and displays icons representative of photographs that were captured in the selected range; see page 6, lines 2-4).

An advantage of specifying a selection range and selecting icons in that selection range is that a user may preview images captured in a relevant area only. For this reason, it would have been obvious at the time of invention to have Mikuni's apparatus select icons located in a selection range.

Regarding **claim 11**, Yokoyama discloses:

the apparatus is configured to enlarge (see drawings 6(A) and 6(B) and page 5, lines 34-36) or reduce (a user can re-select a map area to be displayed; see page 6, lines 3-4) the displayed map in response to a user's operation, and change the position of the icon in response to the enlargement or reduction of the

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displayed map (the miniature drawings are positioned appropriately for the changed area; see page 6, lines 2-8).

Regarding **claim 12**, Yokoyama discloses that a user can re-select a map area to be displayed, resulting in the repositioning of the icons (see page 6, lines 2-8). However, Yokoyama is silent with regarding scrolling the map.

Official Notice is taken that it is well-known in the arts of digital cameras and image-viewing devices in general that enlarged images may be scrolled to view a different image area. An advantage to doing performing such scrolling is that adjacent image areas may be easily viewed without re-selecting the desired area. For this reason, it would have been obvious at the time of invention to have Yokoyama's system permit a user to scroll around the selected image area.

Claim 13 may be treated like claims 1, 9, 10, and 12.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern standard time, alternating Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

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March 4, 2005


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